

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JAHUAN POLLARD,  
Defendant.

19-CR-761-8 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant Jahuan Pollard and thirteen codefendants have been charged with various crimes including racketeering conspiracy, armed robbery, and firearms and narcotics offenses. (*See* Dkt. No. 79.) Defendant was arrested on October 24, 2019, and detained on consent without prejudice to a later bail application. (*See* Dkt. No. 20.) On April 6, 2020, Defendant filed an application for bail, arguing that the COVID-19 pandemic poses a health risk to Defendant in confinement, warranting his temporary release on bail. (*See* Dkt. Nos. 92, 97.) The Government has opposed Defendant's application. (*See* Dkt. Nos. 94, 98.)

Temporary release under 18 U.S.C. § 3142(i) is authorized if "release [is] necessary for preparation of the person's defense or for another compelling reason." The proper inquiry is a balancing test. That is, to determine whether release is justified for a "compelling reason," the Court must "balanc[e] the reasons advanced for release against the risks posed by release." *United States v. Chambers*, No. 20-CR-135, 2020 WL 1530746, at \*1 (S.D.N.Y. Mar. 31, 2020).

Applying that analysis here, the Court denies Defendant's bail application for substantially the same reasons advanced by the Government. (*See* Dkt. Nos. 94, 98.) The specific reason for release identified by Defendant, who suffers from asthma, is the heightened health risk posed by the coronavirus epidemic. (Dkt. Nos. 92, 97.) As the Government has demonstrated, however, Defendant poses a significant danger to the community. This

conclusion is based primarily on (1) the nature and seriousness of the charges in this case and the strength of the evidence, (2) the evidence that Defendant was involved in a shooting and an armed robbery in 2019, including the slashing of the victims' faces, (3) the evidence of Defendant's active involvement in a violent gang, and (4) the fact that Defendant, an 18-year-old, has already been arrested twelve times. "Simply put, the danger to the community presented by [Defendant's] release outweighs, substantially, the danger to himself presented by his incarceration." *Chambers*, 2020 WL 1530746, at \*1 (quoting *United States v. Conley*, No. 19-CR-131, ECF No. 366, at 2–3 (S.D.N.Y. Mar. 31, 2020)); *see id.* (denying temporary release to asthmatic defendant under § 3142(i)).

Accordingly, Defendant's motion for temporary release is DENIED.

The Clerk of Court is directed to close the motions at Docket Numbers 92, 96, and 97.

SO ORDERED.

Dated: April 13, 2020  
New York, New York



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J. PAUL OETKEN  
United States District Judge